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January 9, 2008

Via ECF Filing

Hon. Steven M. Gold
United States District Court
Eastern District of New York
Brooklyn Federal Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Star Mark Management, Inc., et. al. v. Koon Chun Hing
Kee Soy & Sauce Factory, Ltd. 07 CV 3208 (JB) (SMG)**

Dear Judge Gold:

We represent defendant Koon Chun Hing Kee Soy & Sauce Factory, Ltd. ("Koon Chun") in this matter and are writing to the Court to respectfully request a stay of this action pending the resolution of the matter of *Koon Chun v. Star Mark* (04 Civ. 2293) which was tried before your Honor from November 27, 2007 through December 4, 2007.

It is currently Koon Chun's position that the Complaint filed by Star Mark is frivolous, has no evidentiary support, is barred by or will be barred by the *res judicata* effect of the decision in the *Koon Chun v. Star Mark* matter finding Star Mark guilty of counterfeiting and trademark infringement once a final judgment is entered in that matter. Indeed, Koon Chun has already notified Star Mark of its intention to move for sanctions under Fed. R. Civ. P. 11 for filing such a frivolous lawsuit.

Leaving aside the merits of the Rule 11 issue, a more immediate issue is that of Koon Chun's filing of an Answer in this action. Presently, Koon Chun's Answer is due to be filed on **Monday, January 14, 2008**. However, given the outstanding Rule 11 letter and the pressing nature of the briefing schedule in the *Koon Chun v. Star Mark* matter, Koon Chun respectfully requests a stay of the proceedings in this new matter until the briefing in the *Koon Chun v. Star Mark* matter is completed and a decision has been rendered therein.¹

¹ In the alternative, if the Court is not inclined to grant an indefinite stay of the *Star Mark v. Koon Chun* matter, it is respectfully requested that a 45 day extension of time be granted to permit Koon Chun to Answer or otherwise move.

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The Court itself has indicated a willingness to stay the case until the *Koon Chun v. Star Mark* matter is decided. Indeed, on the last day of the trial in that case, the Court indicated that it would adjourn the initial conference in the *Star Mark v. Koon Chun* case until the *Koon Chun v Star Mark* case was decided, “to see if defendant really wishes to pursue this case.” (See 12/4/07 Tr. Trans. P. 1091, lines 17 - 25).

Koon Chun has requested that Star Mark agree to a forty-five day extension of time for Koon Chun to Answer the Complaint in the hope that this would provide a sufficient length of time for the Court to enter a final decision in the *Koon Chun v. Star Mark* case. However, Star Mark has refused to agree to an extension of that length. Instead, Star Mark has offered Koon Chun a fourteen (14) day extension as a courtesy.

For the foregoing reasons, it is respectfully requested that the Court stay the referenced action indefinitely until there is a final resolution in the *Koon Chun v. Star Mark* matter. In the alternative, it is respectfully requested that the Court grant defendant Koon Chun a forty-five (45) day extension of time to Answer or otherwise respond to the Complaint.

Respectfully submitted,

/s/

Anthony A. Coppola

AAC/tc

cc: Bing Li, Esq. (Via ECF)
Koon Chun Hing Kee Soy & Sauce Factory, Ltd.